

AMENDED IN ASSEMBLY JULY 13, 2011

AMENDED IN SENATE APRIL 6, 2011

SENATE BILL

No. 754

Introduced by Senator Padilla

February 18, 2011

An act to amend Section 60810 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

SB 754, as amended, Padilla. Pupil assessment: California English Language Development Test.

Existing law requires each school district that has one or more pupils who are English learners to assess the English language development of each of those pupils upon initial enrollment in order to determine the level of proficiency of those pupils and thereafter to assess each of those pupils annually until the pupil is redesignated as English proficient. The assessment primarily consists of the administration of the California English Language Development Test (CELDT) that assesses pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and pupils in kindergarten and grade 1 in English listening and speaking.

This bill would prohibit a pupil in any of grades 3 to 12, inclusive, to the extent permitted by federal law, from being required to retake those portions of the CELDT that measure English language skills for which he or she has previously tested as ~~early advanced or~~ advanced within the appropriate grade span, as determined by the State Department of Education in accordance with specified law. ~~This prohibition~~ *Notwithstanding the above prohibition, and to the extent permitted by federal law, the bill would also prohibit a pupil in any of*

grades 10 to 12, inclusive, from being required to retake those portions of the CELDT that measure English language skills for which he or she has previously tested as early advanced or advanced. These prohibitions would not become effective until the current CELDT publisher's contract expires. The bill would also state legislative findings and declarations regarding English learners and the CELDT.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) There are 1.6 million English learners in California. An
4 English learner is an elementary or secondary school pupil who,
5 based on his or her standardized test scores in the four areas of
6 listening, speaking, reading, and writing, is deemed not proficient
7 in English.

8 (b) The California English Language Development Test
9 (CELDT) is the test used to examine English proficiency. ~~A pupil
10 is required to attain a score of early advanced, early overall, or
11 intermediate on each of the four areas. A pupil who fails to attain
12 a sufficient score in one area fails the test. The failing pupil is
13 required to retake the entire exam, not just the failed areas, the
14 following year.~~

15 (c) The California High School Exit Exam (CAHSEE)
16 determines a pupil's eligibility for high school graduation and
17 differs from the CELDT in that it allows a pupil to retake only
18 those portions of the exam that he or she failed. Numerous other
19 professional certificates, licenses, and exams only require the test
20 taker to retake the failed portions of the exam. Examples of these
21 professional certificates, licenses, and exams include the California
22 Certified Legal Secretaries certification, the California Medical
23 Assistants certification, the California Insurance Agent license,
24 the United States Coast Guard License Examination, the California
25 Cosmetology License, the National Board of Podiatric Medical
26 Examiners examination, the Examination for Professional Practice
27 of Psychology, the Psychology Supplemental Examination, the
28 Federation Licensing Examination, the National Board of Medical
29 Examiners exam, the United States Medical Licensing

1 Examination, the Architect Registration Examination, and the
2 Landscape Architects Licensing Examination.

3 (d) In California, a quarter of all elementary and secondary
4 pupils are ~~labeled~~ *classified as* English learners. Fifty-nine percent
5 of the pupils ~~labeled~~ *classified as* English learners in middle and
6 high school will fail to become English proficient in less than six
7 years. Only 11 percent of pupils originally designated as English
8 learners are redesignated as fluent-English-proficient (FEP),
9 meaning they meet all of the criteria for English proficiency.

10 (e) English learners are classified or reclassified ~~in four ways~~
11 *using four criteria*: the CELDT, teacher evaluation, parent consent,
12 and pupil performance in the classroom. ~~Passing the CELDT is~~
13 ~~the first challenge that pupils face and being required to retake the~~
14 ~~entire exam every year is preventing these pupils from being~~
15 ~~reclassified as FEP~~. FEP pupils are able to participate in more
16 rigorous academic courses and A–G courses, which are required
17 for admission to the California State University and the University
18 of California. Reclassification as FEP is important to English
19 learners to obtain necessary academic and college readiness.

20 (f) California sustains \$46.4 billion in total economic losses,
21 equivalent to 2.9 percent of the Annual Gross State Product,
22 resulting from each cohort of 120,000 20-year-olds who never
23 completed high school. English learners, who comprise 15 percent
24 of all California high school pupils, represent 30 percent of all
25 high school dropouts. Thus, the share of economic loss caused by
26 20-year-old English learners that dropped out of high school is
27 approximately \$14 billion for every cohort of 36,000.

28 (g) California will continue to sustain economic losses because
29 of a projected shortfall of one million college graduates by 2025.
30 Forty-one percent of jobs will require at least a baccalaureate
31 degree, while only 35 percent of working age adults are expected
32 to have that degree. California needs to address this degree deficit
33 and furthering the educational careers of English learners is an
34 important component of achieving this goal.

35 SEC. 2. Section 60810 of the Education Code is amended to
36 read:

37 60810. (a) (1) The Superintendent shall review existing tests
38 that assess the English language development of pupils whose
39 primary language is a language other than English. The tests shall
40 include, but not be limited to, an assessment of achievement of

1 these pupils in English reading, speaking, and written skills. The
2 Superintendent shall determine which tests, if any, meet the
3 requirements of subdivisions (b) and (c). If any existing test or
4 series of tests meets these criteria, the Superintendent, with
5 approval of the state board, shall report to the Legislature on its
6 findings and recommendations.

7 (2) If no suitable test exists, the Superintendent shall explore
8 the option of a collaborative effort with other states to develop a
9 test or series of tests and share test development costs. If no suitable
10 test exists, the Superintendent, with approval of the state board,
11 may contract to develop a test or series of tests that meets the
12 criteria of subdivisions (b) and (c) or may contract to modify an
13 existing test or series of tests so that it will meet the requirements
14 of subdivisions (b) and (c).

15 (3) The Superintendent and the state board shall release a request
16 for proposals for the development of the test or series of tests
17 required by this subdivision. The state board shall select a
18 contractor or contractors for the development of the test or series
19 of tests required by this subdivision, to be available for
20 administration during the 2000–01 school year.

21 (4) The Superintendent shall apportion funds appropriated to
22 enable school districts to meet the requirements of subdivision (d).
23 The state board shall establish the amount of funding to be
24 apportioned per test administered, based on a review of the cost
25 per test.

26 (5) An adjustment to the amount of funding to be apportioned
27 per test is not valid without the approval of the Director of Finance.
28 A request for approval of an adjustment to the amount of funding
29 to be apportioned per test shall be submitted in writing to the
30 Director of Finance and the chairpersons of the fiscal committees
31 of both houses of the Legislature with accompanying material
32 justifying the proposed adjustment. The Director of Finance is
33 authorized to approve only those adjustments related to activities
34 required by statute. The Director of Finance shall approve or
35 disapprove the amount within 30 days of receipt of the request and
36 shall notify the chairpersons of the fiscal committees of both houses
37 of the Legislature of the decision.

38 (b) (1) The test or series of tests developed or acquired pursuant
39 to subdivision (a) shall have sufficient range to assess pupils in
40 grades 2 to 12, inclusive, in English listening, speaking, reading,

1 and writing skills. Pupils in kindergarten and grade 1 shall be
2 assessed in English listening and speaking, and, once an assessment
3 is developed, early literacy skills. The early literacy assessment
4 shall be administered for a period of three years beginning after
5 the initial administration of the assessment or until July 1, 2012,
6 whichever occurs first. Six months after the results of the last
7 administered assessment are collected, but no later than January
8 1, 2013, the department shall report to the Legislature on the
9 administration of the kindergarten and grade 1 early literacy
10 assessment results, as well as on the administrative process, in
11 order to determine whether reauthorization of the early literacy
12 assessment is appropriate.

13 (2) In the development and administration of the assessment
14 for pupils in kindergarten and grade 1, the department shall
15 minimize any additional assessment time, to the extent possible.
16 To the extent that it is technically possible, items that are used to
17 assess listening and speaking shall be used to measure early literacy
18 skills. The department shall ensure that the test and procedures for
19 its administration are age and developmentally appropriate. Age
20 and developmentally appropriate procedures for administration
21 may include, but are not limited to, one-on-one administration, a
22 small group setting, and orally responding or circling a response
23 to a question.

24 (c) The test or series of tests shall meet all of the following
25 requirements:

26 (1) Provide sufficient information about pupils at each grade
27 level to determine levels of proficiency ranging from no English
28 proficiency to fluent English proficiency with at least two
29 intermediate levels.

30 (2) Have psychometric properties of reliability and validity
31 deemed adequate by technical experts.

32 (3) Be capable of administration to pupils with any primary
33 language other than English.

34 (4) Be capable of administration by classroom teachers.

35 (5) Yield scores that allow comparison of the growth of a pupil
36 over time, can be tied to readiness for various instructional options,
37 and can be aggregated for use in the evaluation of program
38 effectiveness.

39 (6) Not discriminate on the basis of race, ethnicity, or gender.

(7) Be aligned with the standards for English language development adopted by the state board pursuant to Section 60811.

(8) Be age and developmentally appropriate for pupils.

(d) The test shall be used for the following purposes:

(1) To identify pupils who are limited English proficient.

(2) To determine the level of English language proficiency of pupils who are limited English proficient.

(3) To assess the progress of limited-English-proficient pupils in acquiring the skills of listening, reading, speaking, and writing in English.

(e) (1) To the extent permitted by federal law, a pupil in any of grades 3 to 12, inclusive, shall not be required to retake those portions of the test that measure English language skills for which he or she has previously tested as ~~early advanced~~ or advanced within each appropriate grade span, as determined by the department in accordance with paragraph (8) of subdivision (c).

(2) *Notwithstanding paragraph (1), and to the extent permitted by federal law, a pupil in any of grades 10 to 12, inclusive, shall not be required to retake those portions of the test that measure English language skills for which he or she has previously tested as early advanced or advanced.*

~~(2)~~

(3) This subdivision shall not become effective until the current test publisher's contract expires.